

REMARKS

Applicants respectfully request that this Preliminary Amendment be entered in the above-identified application prior to examination of the application on the merits.

The present Preliminary Amendment includes newly added claims 3-89, which more fully claim the subject matter disclosed in the present application.

Attached hereto is a marked-up version of the changes made to the claims by the present Preliminary Amendment. The attached marked-up version is captioned: **"VERSION WITH MARKINGS TO SHOW CHANGES MADE"**.

Applicants respectfully request early and favorable consideration of the application on the merits. If the Examiner believes a telephone conference might expedite the prosecution of this case, Applicants respectfully request the Examiner to call the undersigned at the following telephone number: (516) 742-4343.

Respectfully submitted,


Richard L. Catania
Registration No. 32,608

Scully, Scott, Murphy & Presser
400 Garden City Plaza
Garden City, New York 11530

VERSION WITH MARKINGS TO SHOW CHANGES MADE

IN THE CLAIMS:

Independent Claims 1 and 2 have been amended as follows:

1. (Amended) A system for distributing music to a plurality of customer households, the system comprising:

(a) a data transmission system for blanket transmitting a plurality of music selections to the plurality of customer households in digital format;

(b) a user station at each of [a] the plurality of customer households, the user station including[;]:

i. a [means] user interface for permitting [the]each customer household to preselect desired transmitted music selections for recording;

ii. a receiver and associated high capacity storage medium for recording the preselected music selections in digital form;

iii. an audio output for outputting audio signals from the high capacity storage medium to a playback device [so that] for enabling the customer household [may] to playback [those] the recorded music selections [it wishes to enjoy];

(c) a central controller system having a database for storing therein [an address] information corresponding to each customer household;

(d) a communications link between each of the plurality of customer households and the central controller system [to] for verifying to the controller system when a preselected music selection has been made available for playback; and

(e) a billing system associated with the central controller system to bill customer households for music selections that are made available for playback.

2. A method [of] for distributing music to a plurality of customer households, the method comprising the steps of:

(a) blanket transmitting a plurality of music selections to the plurality of customer households in digital format[by direct broadcast satellite (DBS) at data transmission rates faster than real time];

(b) providing each of the plurality of customer households with information identifying available music selections that will be transmitted;

(c) permitting each of the plurality of customer households to preselect and record desired music selections on a high capacity storage medium;

(d) [permitting] enabling each customer household to playback the recorded music selections;

(e) communicating music playback information from each of the plurality of customer households to a central controller system; and

(f) billing each of the plurality of customer households for the recorded music selections that are made available for playback.